

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRIPLE PLUS LTD.,
Petitioner,

v.

MORDECHAI BEN OLD,
Patent Owner.

Case PGR2018-00038
Patent 9,671,031 B2

Before BART A. GERSTENBLITH, GEORGE R. HOSKINS, and
FRANCES L. IPPOLITO, *Administrative Patent Judges*.

GERSTENBLITH, *Administrative Patent Judge*.

DECISION
Institution of Post-Grant Review
35 U.S.C. § 324(a)

I. INTRODUCTION

A. *Background*

Triple Plus Ltd. (“Petitioner”) filed a Corrected Petition (Paper 3, “Pet.”) requesting institution of post-grant review of claim 1 of U.S. Patent No. 9,671,031 B2 (Ex. 1001, “the ’031 patent”). Mordechai Ben Old (“Patent Owner”) filed a Preliminary Response in the form of a Declaration by Mr. Ben Old, dated June 3, 2018. (Paper 7). Under 35 U.S.C. § 324(a), a post-grant review may be instituted only if “the information presented in the petition . . . demonstrate[s] that it is more likely than not that at least 1 of the claims challenged in the petition is unpatentable.” We determine that the information presented demonstrates that, more likely than not, Petitioner will prevail in showing that claim 1 of the ’031 patent is unpatentable. Thus, we institute post-grant review of claim 1 of the ’031 patent.

B. *Related Proceedings*

The parties represent that there are no pending matters between Petitioner and Patent Owner, and no pending matters that would affect or be affected by our institution of post-grant review. Pet. 3; Paper 6, 2.

C. *Real Parties in Interest*

The Petitioner identifies itself, “Triple Plus Ltd.,” as the real party in interest. Pet. 3. Patent Owner identifies himself, “Mordechai Ben Old,” as the sole real party in interest. Paper 6, 2.

D. *The Reference*

Petitioner relies on the following product (*see* Pet. 4, 12):

Triple+ nleak NWLTM Integrated Shutoff Unit, NWL-IVSL-34-0 (3/4 inch valve) (the “Triple+ NWL”).

E. The Asserted Ground of Unpatentability

Petitioner challenges the patentability of claim 1 of the '031 patent on the following ground:

Product	Basis	Claim challenged
Triple+ NWL	§ 103	1

Petitioner supports its Petition with a Declaration by Dr. Michael C. Johnson, dated February 27, 2018 (Ex. 1003), and a Declaration by Mr. Michael Attali, dated February 27, 2018 (Ex. 1018, “the Attali Declaration”).

F. The '031 Patent

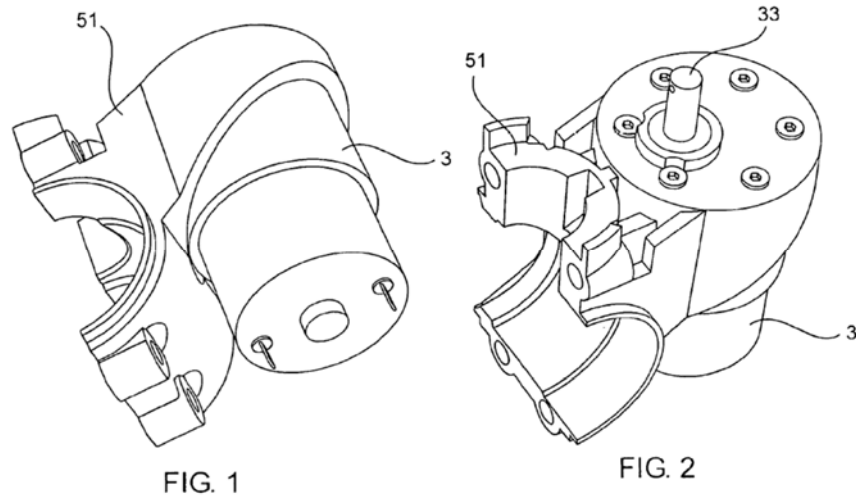
The '031 patent is directed to “a wireless electric valve for the automatic closing and opening of a main fluid pipe in response to a wireless command received from an external source such as an alarm system.”

Ex. 1001, 1:12–15. The '031 patent explains:

The valve (1) comprises a casing (2), an electric motor (3), an internal power source (31), an inner pipe (4) with an inlet (41), an outlet (42) and a butterfly (43), an inner clamp (5), a rotation shaft (44), a primary cogwheel (32) that is attached to the electric motor by means of a motor axle (33), a secondary cogwheel (45) that is attached to the rotation shaft, and an electronic control mechanism (6). The valve may also be equipped with a manual handle (7) that enables manual opening and closing of the valve (1).

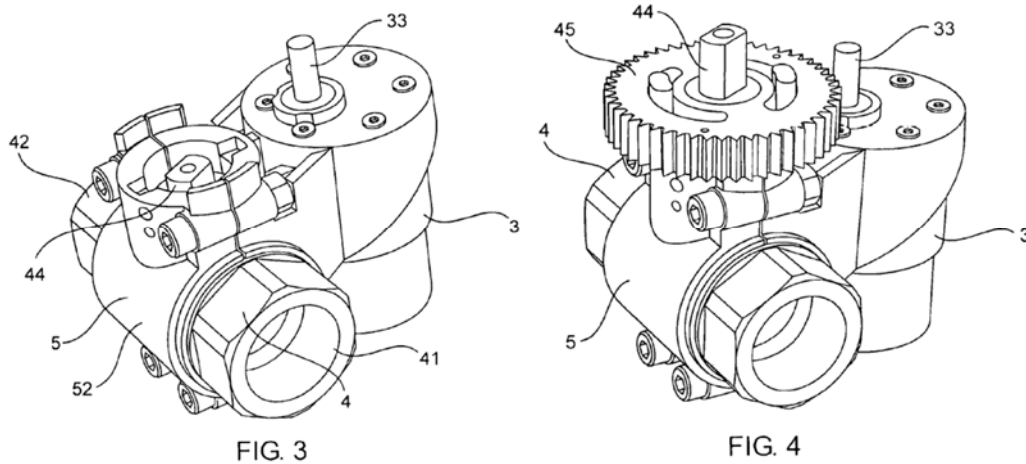
Id. at 2:32–41.

Figures 1 and 2 of the '031 patent are reproduced below:



Figures 1 and 2 illustrate “the motor (3) whereby it is attached to the inner clamp (5).” *Id.* at 1:52–53; *see id.* at 2:42–43.

Figures 3 and 4 of the '031 patent are reproduced below:



Figures 3 and 4 “depict the electric motor (3) whereby it is attached to the inner clamp (5), into which the inner pipe (4) is inserted.” *Id.* at 1:54–56.

Figure 5 of '031 patent is shown below:

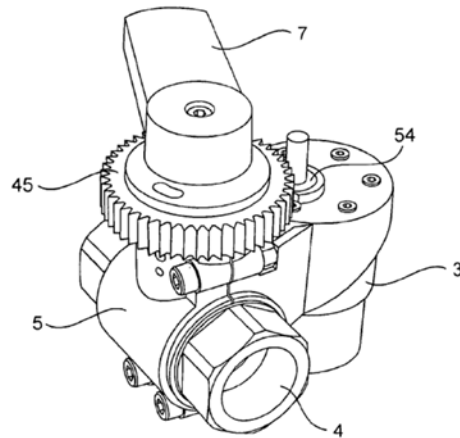


FIG. 5

Figure 5 “depicts the electric motor (3), the inner clamp (5), the inner pipe (4), the motor axle (33), the rotation shaft (44), the secondary cogwheel (45), and the manual handle (7).” *Id.* at 1:57–59; *see id.* at 2:57–59.

Figure 11 of the '031 patent is reproduced below:

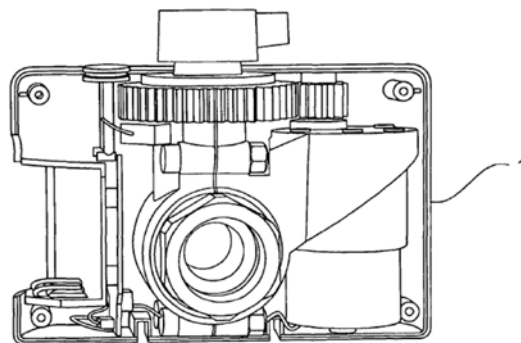


FIG. 11

Figure 11 of the '031 patent “depicts the components of the valve (1) when assembled within the casing (2).” *Id.* at 1:66–67; *see id.* at 2:63–65.

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